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FEDERAL COMMUNICATIONS COMMISSION  
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Paul C. Besozzi

January 11, 1993

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Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222, Stop Code 1170  
1919 M Street, N.W.  
Washington, D.C. 20554

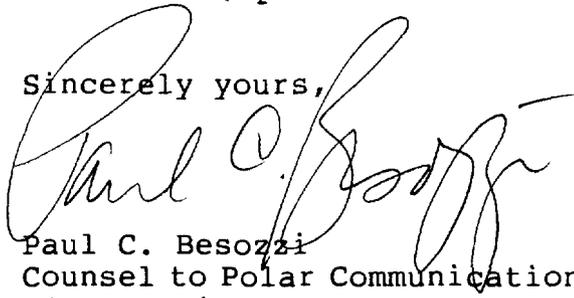
Re: CC Docket No. 92-77, Phase I - Petition For  
Reconsideration - Polar Communications Corporation

Dear Ms. Searcy:

Enclosed for filing are an original and eleven (11) copies of a Petition for Reconsideration in subject docket by Polar Communications Corp.

If there are any questions on this matter, please contact the undersigned counsel.

Sincerely yours,



Paul C. Besozzi  
Counsel to Polar Communications Corporation

PCB:lyt  
0743/DSearchy.ltr  
Enclosures

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1/07/93  
Due 1/11/93

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the matter of )  
 ) CC Docket No. 92-77  
Billed Party Preference )  
 ) Phase 1  
for 0+ InterLATA Calls )

**PETITION FOR RECONSIDERATION**

Polar Communications Corporation ("Polar"), pursuant to Rule 1.429 of the Commission's Rules, 47 C.F.R. §.1.429, hereby petitions for reconsideration of the Commission's Report and Order and Request for Supplemental Comment ("Order") in Phase 1 of this proceeding.<sup>1</sup> Polar is an interexchange telecommunications carrier based at 300 Corporate Center Dr. Manalapan, New Jersey 07726. Polar submits that the Order should be reversed on reconsideration because it failed to give adequate consideration to the record before the Commission and because it improperly failed to assist the merits of the 0+ public domain proposal relative to other solutions considered by the commission. Polar fully supports the position that Comptel has made in both its Emergency Motion Order filed December 29, 1991.

**Background**

The FCC's inquiry into AT&T's CIID card<sup>2</sup> began when Comptel and 19 individual operator service companies jointly filed an Emergency Motion in docket 91-115 concerning AT&T's introduction of its new CIID calling card.<sup>3</sup> Comptel's Emergency Motion related to the FCC

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<sup>1</sup> Billed Party Preference for 0+ InterLATA Calls, Report and Order and Request for Supplemental Comment, CC Docket No. 92-77, Phase 1, FCC 92-465 (Nov. 6, 1992) (hereinafter "Order"). Public Notice of the Order was published at 57 Fed. Reg. 58806 (Dec 11, 1992).

<sup>2</sup> "CIID" is an acronym for Card Issuer Identifier cards, which is a card format developed by Bellcore in which the first 6 digits of the card are unique to each individual carrier.

<sup>3</sup> Comptel, et al., Emergency Motion For An Interim Order Requiring AT&T to Cease Further Distribution of "Proprietary" CIID Cards and Permit Validation and Billing of Existing Cards Pending a Final Decision in This Docket, CC Docket No. 91-115 (filed Dec. 20, 1991). Docket 91-115 was an inquiry into calling card practices relating to LEC-issued shared calling cards, referred to

the problems and costs associated with AT&T's introduction of its new CIID card. Problems with the implementation of the new AT&T CIID card include AT&T claiming in its calling card marketing materials that the "Government" ordered the destruction of LEC-issued joint use cards for replacement by AT&T proprietary CIID cards, pure, direct and intentional misdirection of the public by causing users wishing to use AT&T to dial "0" plus the called number instead dialing direct to AT&T's network through the use of 10288 or their 800 calling number. AT&T's persistence in telling their customers to dial "0" then the called number has caused irreparable harm to the operator service industry.

The end users believe that it is the operator service companies fault that they can not complete calls via the AT&T CIID card. Even large and small hospitality accounts feel the same way when one of their guests or patrons complains about not being able to complete calls using their AT&T CIID cards. AT&T has the end user believing that it is the operator service companies choice that the AT&T CIID card is not accepted and therefore not billable. This is done on AT&T's part to completely confuse the end user so that they will force the proprietor to choose AT&T long distance as their presubscribed carrier for their payphones. The proprietor will change its phones to AT&T because he can not have his guests complaining about their telephone service when he or she needs to occupy the establishment's rooms.

There has been near universal condemnation of AT&T's unprecedented CIID Card rollout. IXC's, OSPs and other companies have received the brunt of the frustration and lack of satisfaction from the users of AT&T's CIID cards for faults that they are not responsible. Should AT&T make their database available for universal validation and billing, these problems would not exist. AT&T has said in the past they will not share their database and therefore they leave us with only one venue to take. That is that AT&T should not be allowed to use "0" plus dialing as access instructions for their customers.

AT&T's use of their proprietary CIID Card is truly not proprietary. It should be considered a facade until they use proprietary methods for access. This will not be accomplished until AT&T totally restricts their customers from using the public domain use of "0" plus access. AT&T has the marketing power and customer base size to attempt using "0" plus access while other carriers could not even attempt to use this type of access. Only one carrier, one that is the presubscribed carrier at the majority of locations -- could have success in implementing a proprietary 0+

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as LEC joint use cards. AT&T's old line-number based card is an example of a LEC joint use card.

card.<sup>4</sup>

### THE CIID CARD ORDER

Last November, the FCC issued a decision bearing on AT&T and the entire Operator Service industry. The commission realized that the public was misdirected by AT&T and its marketing programs. The commission also realized and explained the confusion caused by AT&T's marketing program. The commission furthermore recognized the lack of a fair market parity and that AT&T was using its size and bulk to use the media, its size of network and customer base to unfairly take advantage of the smaller operator service companies. The commission concluded these misdirected attempts caused mass hysteria, customer confusion and condemnation and that operator service companies cost's were increased through AT&T's use of its CIID Cards.

However, the Order was not strong enough in enforcing that AT&T not use the public domain use of "0" plus access. It simply instructed AT&T to inform its customers that it should modify its dialing instructions and that it initiate an examination into a compensation mechanism for Operator Service Companies receiving misdirected CIID calls. The decision on the use of 0+ public domain was shelved until the Billed Party Preference concept was completely examined and decided upon.

#### Argument

Polar wishes to echo the sentiments and explanations used by Comptel's concurrently issued Petition for Reconsideration. **The record before the Commission clearly demonstrates that 0+ public domain is necessary to address the competitive harms created by the AT&T CIID Card.** Polar simply believes that the time for AT&T to use a proprietary 800 or 10XXX number for access to its network has come. AT&T should operate in the market just as the rest of its carrier competition does. All other carriers other than AT&T use 800, 950 or 10XXX access. AT&T should have to operate the same way. It is non-competitive for AT&T to have its customers have to dial less digits for access than its competition. AT&T continues to use its monopolization of the telecom market to increase its monopolization of the operator services market.

The competitive operator service market industry operators

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<sup>4</sup> Consumers will not have the patience to keep and use a proprietary card that was invalid at the largest share of locations where they tried to use the card. They would quickly throw away the card and use one that is more successful in their attempts. AT&T is the only carrier with enough currently presubscribed locations that at a very large majority of locations, the card would work as promised.

have costs that AT&T may not have to work with. Should the instrument of Billed Party Preference be implemented and the non constrained use of CIID cards be allowed, the competitive operator service market will be destroyed. Then and only then will the true costs of AT&T's operator services be relayed to the public via higher operator service rates.

As stated before, Polar concurs and agrees with Comptel's argument with the Commission's Order on the AT&T CIID card.

Conclusion

For the reasons listed above, Polar requests that the Commission reconsider its Order in Phase 1 of this docket (CC. Docket 92-77). The Commission should adopt the 0+ public domain proposal, in order to alleviate the harms found in the Order.

Respectfully submitted,

**POLAR COMMUNICATIONS CORPORATION**

By: \_\_\_\_\_

Thomas W. Wilson  
Sr. Vice President